




To the Honorable Council
City of Norfolk, Virginia

October 13, 2015

From: David Ricks, Director of Public Works

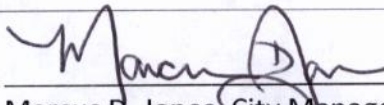
Subject: Encroach into City property
at 238 W. Ocean View Avenue with a
wooden walkway and stairs.

Reviewed:


Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved:


Marcus D. Jones, City Manager

Item Number:

R-9

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Ronald F. Hicks and Cheryl A. Hicks
238 W. Ocean View Avenue
Norfolk, Virginia 23503
- III. **Description:**
This agenda item is an encroachment permitting Ronald F. Hicks and Cheryl A. Hicks to encroach into City property at 238 W. Ocean View Avenue with a wooden walkway and stairs.
- IV. **Analysis:**
The encroachment in this location will allow Ronald F. Hicks and Cheryl A. Hicks access to the beach area.
- V. **Financial Impact:**
Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.
- VI. **Environmental:**
Conditions of approval for protection of the environment are noted in the ordinance; therefore, this encroachment will not create a negative environmental impact.

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission is not required.


IX. Coordination/Outreach:

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (2 sheets)

Form and Correctness Approved: 

By 
Office of the City Attorney

 Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING RONALD F. HICKS AND CHERYL A. HICKS TO ENCROACH INTO CITY PROPERTY AT 238 W. OCEAN VIEW AVENUE, WITH A WOOD WALKWAY AND STAIRS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Ronald F. Hicks and Cheryl A. Hicks, and their successors and assigns, the owners of certain property located at 238 W. Ocean View Avenue, to encroach into City property, with a wood walkway and stairs, as shown on the sketches attached hereto as Exhibit A, subject to and contingent upon the following conditions:

- (1) Walkways and stairs on City land or public right-of way are to remain open to the public. Signage shall not be erected that indicates that the structure is private. Signage or gates may only be installed on adjacent private property in conformity with applicable City codes.
- (2) No modification or expansion of the structure is permitted without authorization by City Council. Should the structure be damaged or destroyed by a storm event, the grantee may be permitted to repair and/or rebuild the structure subject to conformity to current building codes and according to the attached plans.
- (3) For encroachments involving stairs from the sand dune to the beach, the grantee shall undertake yearly revegetation of the sand dune's bayward slope with American Beach grass (Hatteras or Bogue variety) for a distance no less than 30 feet, east and west of the structure. The specifications and timing of the planting shall be as prescribed by the City's Environmental Services Bureau. No sand

fencing or placing of other material, such as Christmas trees or branches, is permitted on the beach or in the sand dunes without permission from the Environmental Services Bureau.

- (4) Following construction of any walkway or stairway across the sand dunes, the grantee is responsible for revegetating and maintaining the dune adjacent to the structure with appropriate dune grasses. Information on appropriate planting requirements shall be as prescribed by Environmental Services Bureau.
- (5) The structure shall be maintained according to the attached plans and in conformity with the building code. Should a storm event damage the structure, the grantee shall immediately following the event erect a physical barrier, such as three 2"x 4" cross boards to prevent access to the damaged structure until such time as permission is granted to repair or replace the damaged structure.
- (6) Unless specifically authorized by City Council, encroachment permission for walkways and stairways crossing the sand dunes are limited to providing access to and from the beach. These structures may not be retrofitted for other recreational purposes and no chairs, tables, benches, swings, hammocks, grills, fire pits, chimineas, watercraft, flagpoles, or other items may be placed on or attached to the subject structure.
- (7) Should migrating sand cover the structure, the Grantee shall notify the City's Environmental Services Bureau prior to undertaking any excavation of the sand. The Bureau can advise the Grantee if the needed maintenance will require a sand dune permit from the Norfolk Wetlands Board.
- (8) This permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Ronald F. Hicks

and Cheryl A. Hicks, and their successors and assigns, shall immediately remove the encroaching structure.

- (9) Upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (10) Ronald F. Hicks and Cheryl A. Hicks, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured party in the amount of at least \$1,000,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Ronald F. Hicks and Cheryl A. Hicks, and their successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Risk Manager, Department of Finance, of the City of Norfolk.

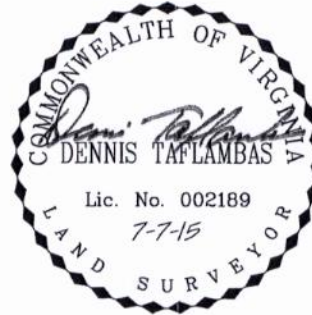
Section 2:- That the failure of Ronald F. Hicks and Cheryl A. Hicks, and their successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Ronald F. Hicks and Cheryl A. Hicks, and their successors and assigns, of all conditions to which the permission herein granted is subject.

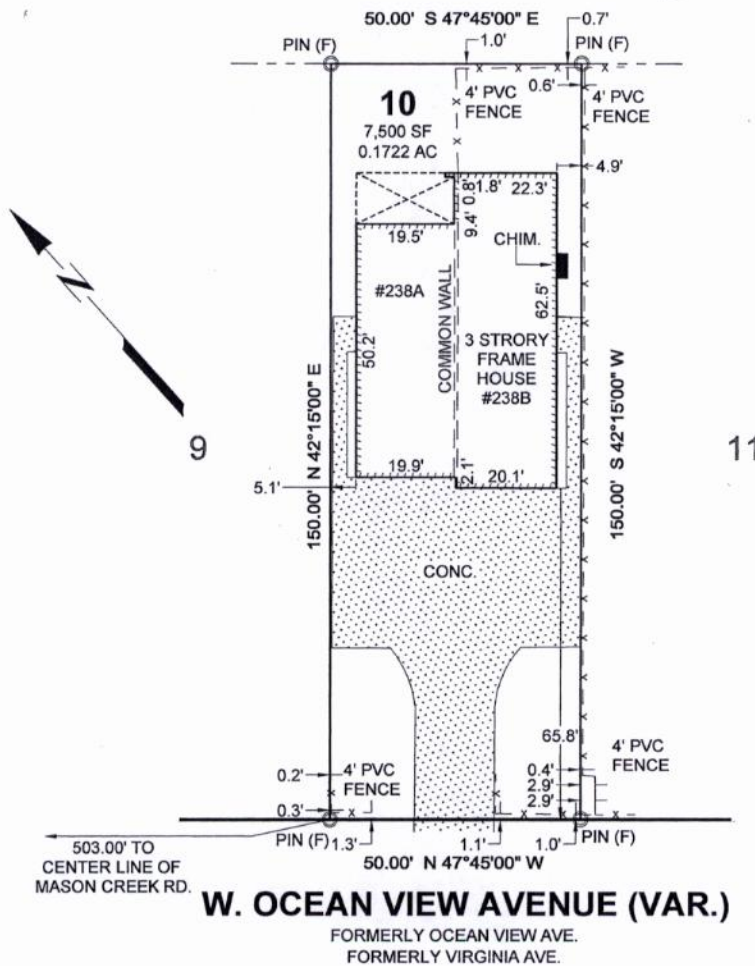
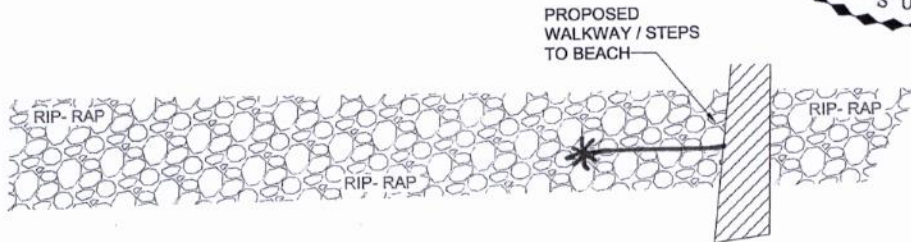
Section 4:- That this ordinance shall be in effect from and after its adoption.

1. THIS IS TO CERTIFY THAT I, ON JULY 7, 2015, SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE ONLY EASEMENTS APPEARING ON THIS SURVEY ARE THOSE WHICH WERE SHOWN ON THE RECORDED SUBDIVISION PLAT UNLESS OTHERWISE NOTED.
2. THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE(S) X AS SHOWN ON THE N.F.I.P. MAP FOR THE CITY OF NORFOLK, MAP/PANEL 510104-0020F, DATED SEPTEMBER 2, 2009. BASE FLOOD ELEVATION: N/A FINISHED FLOOR ELEVATION: N/A

* NEW LOCATION FOR THE STEPS



CHESAPEAKE BAY



DKT Associates
LAND SURVEYORS

1100 GRANBY STREET
SUITE 100
NORFOLK, VIRGINIA 23510
(757) 588-5888 FAX: (757) 588-5880

PHYSICAL SURVEY OF			
LOT 10, BLOCK 3 WILLOUGHBY BEACH			
NORFOLK, VIRGINIA M.B.4 P.16-17 (CHESAPEAKE)			
FOR: RONALD HICKS			
DRAWN	SC	SCALE	1" = 30'
CHECK	DT	JOB	10182
DATE	7-7-15	REVISED	-
FIELD BOOK	145	SHEET	1 OF 1

